

Message Text

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64

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EUR/WE - E. BEIGEL

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FM SECSTATE WASHDC

TO AMEMBASSY THE HAGUE

INFO AMEMBASSY LONDON

AMEMBASSY BRUSSELS

CONFIDENTIAL STATE 025732

STADIS//////////

E.O. 11652:GDS

TAGS: EAIR, NL

SUBJECT: CIVAIR: KLM FILINGS

REF: STATE 12598

1. AS FOLLOW-UP TO JANUARY 17 NETHERLANDS EMBASSY APPROACH DESCRIBED REFTEL, ACTING DEPUTY ASSISTANT SECRETARY MEADOWS CALLED IN EMBASSY ECONOMIC MINISTER HUIBREGTSE ON JANUARY 31 AND REITERATED POINTS ASSISTANT SECRETARY ENDERS HAD MADE EARLIER WITH RESPECT TO SECRETARY'S COMMITMENT TO STAY US ACTION AGAINST KLM AND CAB ORDER REQUIRING KLM TO FILE SCHEDULES. MEADOWS EXPLAINED (A) THAT AS SECRETARY EXPLAINED IN HIS RECENT LETTER TO FONMIN VAN DER STOEL, COMMITMENT TO WITHHOLD US ACTION DID NOT APPLY TO PROCEDURAL MATTERS SUCH AS THE CAB REQUIREMENT THAT KLM FILE ITS SCHEDULES FOR APPROVAL; (B) THAT KLM IS THEREFORE OBLIGED TO COMPLY WITH THE CAB'S ORDER TO FILE SCHEDULES OR FACE THE CONSEQUENCES; AND (C) THAT FAILURE TO FILE SCHEDULES DOES NOT SHIELD KLM FROM CAB ACTION AGAINST SCHEDULES IN ANY EVENT. MEADOWS URGED GON THEREFORE TO HAVE KLM COMPLY WITH CAB ORDER TO AVOID ADVERSE IMPACT ON NEGOTIATIONS OF CAB ENFORCEMENT

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ACTION AND FINES.

2. CONCERNING DUTCH VIEW THAT "NEGOTIATING CHANNELS" INCLUDED ARBITRATION UNDER ARTICLE 13 OF BILATERAL CIVAIR AGREEMENT, MEADOWS EXPLAINED THAT US VIEWED NEGOTIATION AND

ARBITRATION AS TWO SEPARATE AND DISTINCT ACTIVITIES. IN ASSURING VAN DER STOEL THAT US WOULD NOT TAKE UNILATERAL ACTION AGAINST KLM "UNTIL THE NEGOTIATIONS HAVE HAD A CHANCE," SECRETARY CLEARLY COMMITTED US TO STAY SUCH ACTION ONLY DURING PENDING OF NEGOTIATIONS.

3. HUIBREGTSE MADE NO SUBSTANTIVE COMMENTS AND INDICATED HE WOULD REPORT FOREGOING TO THE HAGUE. KISSINGER

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